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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,949	01/14/2004	Rolf Lehmann	RICHT-45042	5061
26252	7590	02/07/2005	EXAMINER	
KELLY BAUERSFELD LOWRY & KELLEY, LLP			WELCH, GARY L	
6320 CANOGA AVENUE			ART UNIT	
SUITE 1650			PAPER NUMBER	
WOODLAND HILLS, CA 91367			3765	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,949

Applicant(s)

LEHMANN, ROLF

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-16 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-16 are currently pending. Claims 4, 5, 6, 9, 10, 11, 13, 14, 15 and 16 are multiple dependent claims. The following claims are improper multiple dependent claims and will not be examined per M.P.E.P. 608.01(n):

5/4, 6/4, 6/5, 9, 10/4, 10/5, 10/6, 10/9, 11/4, 11/5, 11/6, 11/7/6, 11/8/7/6, 11/9, 11/10, 13/4, 13/5, 13/6, 13/7/6, 13/8/7/6, 13/9, 13/10, 13/11, 13/12, 14/4, 4/5, 14/6, 14/7/6, 14/8/7/6, 14/9, 14/10, 14/11, 14/12/11, 14/13, 15/4, 15/5, 15/6, 15/7/6, 15/8/7/6, 15/9, 15/10, 15/11, 15/12/11, 15/13, 15/14, 16/4, 16/5, 16/6, 16/7/6, 16/8/7/6, 16/9, 16/10, 16/11, 16/12/11, 16/13, 16/14 and 16/15.

2. The following claims are treated in this Office Action:

1-4, 5/1, 5/2, 5/3, 6/1, 6/2, 6/3, 7, 8, 10/1, 10/2, 10/3, 11/1, 11/2, 11/3, 12/11/1, 12/11/2, 12/11/3, 13/1, 13/2, 13/3, 14/1, 14/2, 14/3, 15/1, 15/2, 15/3, 16/1, 16/2 and 16/3.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 11 layers of cut-resistant fabric (claim 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

Page 2, line 22: Remove reference to "claim 1" since claim numbering may change when the case is allowed.

Appropriate correction is required.

Claim Objections

5. Claim 16 is objected to because of the following informalities: The claim requires that the protective textile material be an 11 layer cut-resistant protective fabric. There is no support for this claim in the specification.

Appropriate correction is required.

6. Claims 5/4, 6/4, 6/5, 9, 10/4, 10/5, 10/6, 10/9, 11/4, 11/5, 11/6, 11/7/6, 11/8/7/6, 11/9, 11/10, 13/4, 13/5, 13/6, 13/7/6, 13/8/7/6, 13/9, 13/10, 13/11, 13/12, 14/4, 4/5, 14/6,

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14/7/6, 14/8/7/6, 14/9, 14/10, 14/11, 14/12/11, 14/13, 15/4, 15/5, 15/6, 15/7/6, 15/8/7/6, 15/9, 15/10, 15/11, 15/12/11, 15/13, 15/14, 16/4, 16/5, 16/6, 16/7/6, 16/8/7/6, 16/9, 16/10, 16/11, 16/12/11, 16/13, 16/14 and 16/15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

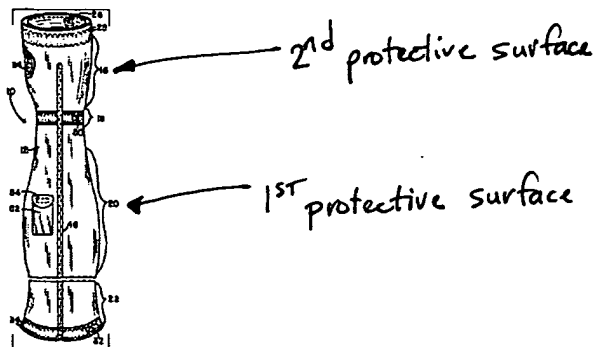
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 5/1, 5/2, 5/3, 6/1, 6/2, 6/3, 7, 8, 10/1, 10/2, 10/3, 11/1, 11/2, 11/3, 12/11/1, 12/11/2, 12/11/3, 13/1, 13/2, 13/3, 14/1, 14/2, 14/3, 15/1, 15/2, 15/3, 16/1, 16/2 and 16/3 are rejected under 35 U.S.C. 102(b) as being anticipated by Santa Cruz et al. (U.S. 6,092,235).

Santa Cruz et al. discloses a glove with a sleeve 10 wherein the sleeve has a first protective surface 20 for protecting the lower arm/wrist (see figure below).



With regard to claim 2, the glove is designed with a second protective surface 16 in the form of a salient bracket for the back of the hand.

With regard to claim 3, the second protective surface 16 extends as far as the area of one or both sides of the hands.

With regard to claim 4, the second protective surface 16 extends as far as the area of the finger ends.

With regard to claims 5/1, 5/2 and 5/3, the first 20 and second 16 protective surface is detachably secured to the glove (Col. 3, lines 12-29).

With regard to claims 6/1, 6/2 and 6/3, the first protective surface 20 and the second protective surface 16 has at least one layer consisting of cut-resistant protective material. Any material is inherently cut-resistant only that some are superior to others.

With regard to claims 7 and 8, since the sleeves are insulated, one layer of the sleeve is cut-resistant and the other layer is flame-retardant. As mentioned above, any material is inherently cut resistant only that some are superior to others. Additionally, any material is flame-retardant to a degree only that some are superior to others.

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With regard to claims 10/1, 10/2 and 10/3, the first protective surface 20 and the second protective surface 16 is secured to the glove 10 via elements 24, 32 and zipper 46.

With regard to claims 11/1, 11/2 and 11/3, the first protective surface 20 has at least one fixing means 32 for adjustment to the contour of the lower arm.

With regard to claims 12/11/1, 12/11/2 and 12/11/3, the fixing means is an elastic strap 32.

With regard to claims 13/1, 13/2 and 13/3, the width of the first protective surface 20 is such that the lower arm is completely covered by the first protective surface 20 and the length of the first protective surface 20 corresponds to at least half the length of the lower arm.

With regard to claims 14/1, 14/2 and 14/3, the second protective surface 16 corresponds to roughly the surface of the back of the hand.

With regard to claims 15/1, 15/2 and 15/3, the glove is a five fingered glove.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 16/1, 16/2 and 16/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santa Cruz et al. (U.S. 6,092,235).

Santa Cruz et al. discloses the invention substantially as claimed above.

However, Santa Cruz et al. does not disclose that the protective material is an 11-layer cut resistant fabric.

A review of the applicant's specification does not offer any criticality of an 11-layer cut resistant fabric. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the glove and sleeve of Santa Cruz et al. from multiple layers of material in order to provide a predetermined level of cut resistance and flame retardant.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elliott '419, Fragomeli '130, Ross '992, Ziegler '241, Fujihana '592, Bowman, Jr. '381, Besson '190, Kast et al. '435, Anstett '733 and Slack '790 disclose a hand, wrist and lower arm protective sleeve. Harges, Jr. et al. '796 and Stull et al. '250 disclose a firefighters glove. Andrews et al. '582, Sidman et al. '439 and Tschirch et al. '611 discloses gloves having both cut and heat resistant materials. Nelson '232 discloses a welder's glove having a lower forearm protective sleeve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw

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